

NATURE OF CHARGE: Misbranding, Section 502 (j), the article was dangerous to health when used in the dosage, or with the frequency or duration, prescribed, recommended, or suggested in its labeling.

DISPOSITION: July 3, 1950. Default decree of condemnation and destruction.

NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

3183. Misbranding of Stops (antihistamine tablets). U. S. v. 24 Display Cards, etc. (F. D. C. No. 29249. Sample No. 67424-K.)

LIBEL FILED: June 7, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about March 27, 1950, by the Research Associates, from Decatur, Ill.

PRODUCT: 24 display cards, each containing 26 packages, of *Stops* at Bluefield, W. Va., together with a number of window streamers entitled "Stops." Analysis showed that the product contained pyranisamine maleate.

LABEL, IN PART: (Package) "Stops 12 Anti-Histamine Tablets Each Tablet Contains 25 MG. Anisopyramine."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements "Stops Colds, Stops Coughs" appearing in the labeling of the article, namely, on the package label, display card, and window streamer, were false and misleading since the article was not an adequate and effective treatment for those conditions; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient since pyranisamine maleate was not declared.

The article also was in violation of Section 505 (a), since it was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to the article.

DISPOSITION: June 28, 1950. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

3184. Misbranding of pentobarbital sodium capsules. U. S. v. C. Thomas Newell. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 28122. Sample Nos. 1852-K, 1858-K, 1860-K, 1864-K.)

INFORMATION FILED: April 1, 1950, Southern District of Florida, against C. Thomas Newell, pharmacist for the Everglades Pharmacy, Palm Beach, Fla.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Florida, of quantities of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about June 3, 10, 24, and 29, 1949, while the drug was being held for sale at the Everglades Pharmacy after shipment in interstate commerce, C. Thomas Newell caused various quantities of the *pentobarbital sodium capsules* to be repacked and sold without a physician's prescription, which acts resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules bore no label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by

* See also No. 3181.